



HAVA NEWS

A special informational bulletin for Michigan election officials on the implementation of the Help America Vote Act of 2002

Michigan Department of State - Terri Lynn Land, Secretary of State

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Greetings! This issue of HAVA NEWS provides updates on the “invitation to bid” process launched by the Michigan Department of State to qualify vendors for Michigan’s statewide uniform optical scan voting system; the “County Plan” development process; and the appropriation of the funds needed to implement the Help America Vote Act (HAVA).

“Invitation to Bid” Process Extended

As detailed in the last issue of HAVA NEWS, the implementation of a statewide uniform voting system is required under PA 91 of 2002. As a first step toward the replacement of Michigan’s outmoded voting equipment, the Department of State released an “Invitation to Bid” (ITB) to qualify vendors for the project. The release of the ITB permits the State of Michigan to use its purchasing power to obtain the best price possible on the voting equipment needed to implement the required statewide voting system.

We now anticipate that the ITB process will be concluded in March. While the initial goal was to complete the ITB process in December 2003, the project timeline has been extended to accommodate the complexity of the vendor qualification process. With the ITB process nearing completion, local governments are encouraged to schedule vendor demonstrations to become acquainted with the optical scan voting equipment available on the market. To assist those interested in scheduling equipment demonstrations, the next issue of HAVA NEWS will provide a suggested list of voting equipment “evaluation points” that should be considered when assessing voting equipment performance.

Of course, jurisdictions that schedule voting equipment demonstrations should postpone making any decisions, expressing any preferences or entering into any commitments with the vendors until the ITB process has been completed. With the completion of the ITB process, jurisdictions scheduled to receive a new voting system will have the ability to compare the initial purchase price of the voting systems as well as the ongoing costs of maintaining the systems and producing ballots for the systems.

“County Plan” Development Continues

As detailed in Issue No. 2 of HAVA NEWS, the County Plan developed for each county will be used by the Michigan Department of State’s Bureau of Elections to implement Michigan’s statewide, uniform optical scan voting system. Several reminders and updates follow:

Biennial Precinct Report: At this date, a Biennial Precinct Report has been received from almost every jurisdiction in the state. If you have not yet completed and submitted the report, please do so as soon as possible! The report is designed to collect data on the type of voting

equipment currently employed to conduct elections in each jurisdiction, the number of precincts established in each jurisdiction, the number of registered voters in each precinct and the number of voting stations provided in each precinct.

The next step: At the present time, arrangements are being made to extend punch card, mechanical lever machine and paper ballot jurisdictions the opportunity to replace their voting systems with optical scan voting equipment in 2004. Voting equipment replacements are not planned for any other jurisdictions in 2004.

The counties where punch card, mechanical lever machine and paper ballot jurisdictions remain will receive information on the voting equipment replacement option in mid-February. While the opportunity to obtain replacement voting equipment in 2004 will be offered to punch card, mechanical lever machine and paper ballot jurisdictions, it merits note that there are no federal or state laws which require voting equipment replacements in 2004.

To assist punch card, mechanical lever machine and paper ballot jurisdictions decide whether to replace their voting equipment in 2004, the Bureau of Elections will provide a list of factors for consideration. The factors will be developed with the assistance of Michigan's county and local clerks.

Building a consensus and selecting a vendor: To ensure the successful implementation of the statewide, uniform optical scan voting system, it will be necessary for all county and local clerks to objectively review the available optical scan voting systems and cooperatively decide on the system that will work best for their county. This may require certain jurisdictions that currently use an optical scan voting system to change to a different optical scan voting system during the next election cycle. As indicated above, the next issue of HAVA NEWS will include a suggested list of voting equipment "evaluation points" that should be considered when assessing voting equipment performance. Ongoing maintenance costs and ballot printing costs will be emphasized as leading evaluation factors.

While we have not yet reached a point where the vendor selection process can be finalized, the consensus-building process can be initiated at the present time. After the ITB process has been completed and the "qualified vendors" have been identified, all counties will be required to formalize their voting equipment vendor selection. While the consensus-building step will require careful deliberation, detailed analysis and cooperative decision making, we are confident that Michigan's election officials are ready and able to tackle the task.

Polling Place Accessibility and Training Survey to be released: A Polling Place Accessibility and Training Survey will be forwarded to all city and township clerks in February. A copy of the survey will be sent to all county clerks for informational purposes along with a short training survey which must be completed by the county clerk.

All city and township clerks will be asked to forward their completed Polling Place Accessibility and Training Survey to their local county clerk's office. After assembling the surveys, the county clerks will be required to forward them to the Department of State's Bureau of Elections. The return of the surveys in early May will be requested.

To complete the survey, the city and township clerks must evaluate every building used for a polling place according to a Polling Place Accessibility Checklist which will be supplied as a part of the survey. A separate checklist must be completed for each polling place in the clerk's city or township. In an instance where a city or township clerk determines that a polling place is not fully compliant with the accessibility standards, the local clerk must attach the checklist completed for the noncompliant polling place to the completed survey form.

All city and township clerks are encouraged to partner with local disability advocacy groups when evaluating the accessibility of their polling places. Contact information for the various disability advocacy groups organized throughout Michigan will be provided with the survey packet.

HAVA Funding

At this date, Michigan has received \$6.8 million in federal funds under Title I, Section 102. The \$6.8 million is earmarked under HAVA for use as incentive payments to punch card and mechanical voting machine jurisdictions that replace their voting systems with upgraded equipment. Equally divided, the \$6.8 million will result in a \$3,200.00 per precinct payment to the Michigan jurisdictions that qualify for the funds. While this is a start, it falls far short of the funding needed to establish Michigan's planned statewide, uniform voting system.

Consequently, we must await the receipt of the \$28 million in "requirements payments" Michigan is eligible to receive under HAVA from the 2003 federal appropriation before we can complete the implementation of the statewide, uniform voting system.

Progress in distributing the "requirements payments" to the states eligible for the funds has been slow on the federal level. While the necessary funds were appropriated in February 2003, two hurdles remain: (1) the commission responsible for distributing the funds must be operational ("Federal Election Assistance Commission" or "EAC") and (2) the EAC must publish the State Plans submitted by the states in the Federal Register 45 days prior to the release of the funds. At this date the commissioners of the EAC have been confirmed (action on the confirmations was taken in December 2003) and the EAC is seeking an adequate operating budget. The EAC has not yet announced a publication schedule for the State Plans.

In the long term, the HAVA funding picture is very positive as Congress recently appropriated \$1.5 billion for continued HAVA funding. While Michigan's share of the funds is subject to the State Plan process, the receipt of the funds over the next year can be expected.

Thus, while the funding needed to implement Michigan's uniform voting system is now assured, the date Michigan will receive all of the funds remains uncertain. Additional updates will be provided as developments occur.

Do You Have a Question?

If you have any questions, please do not hesitate to contact us! Phone: (517) 373-2540.